



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No. 6

In re application of  
Thaddeus John Novak  
Serial No. 09/340,165  
Filed: June 28, 1999  
For: MICROSPOT TEST KIT AND METHOD FOR CHEMICAL TESTING

DECISION ON  
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed August 22, 2001 for failure to respond to the Office Action dated November 8, 2000. Applicants assert that they never received the Office Action.

**DECISION**

Since petitioner asserts that the Office Action was never received, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioners' evidence provided with the instant petition indicates that the request has merit. The evidence is sufficient to establish that applicants did not receive the Office Action of November 8, 2000. The submitted evidence is a statement that the Office Action was not received, a statement that a search of the file jacket and records was done, to no avail, and a copy of the docket records showing that the Office Action was never received.

Therefore, the Notice of Abandonment of June 22, 2001 is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned to the LIE for remailing of the Office Action dated November 8, 2000.

The Petition is **GRANTED**.

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